

22-1. Civil Judicial Enforcement Actions, Including Collection Actions (1200 TN 350 22-1)**1. AUTHORITY.**

- a. To request the Attorney General to appear and represent the agency in any civil enforcement action and to intervene in any civil enforcement action instituted under the Emergency Planning and Community Right-to-Know Act, including an action to collect unpaid penalties; and
- b. to request the AG to decline to prosecute a previously referred civil enforcement action or cease prosecution of a previously filed civil judicial action.

2. TO WHOM DELEGATED. Deputy Regional Administrator.**3. LIMITATIONS.**

- a. The delegatee must obtain the advance concurrence of the regional counsel on the legal sufficiency of the action before exercising the authority in 1(a) and (b). The RC may waive concurrence in writing.
- b. The OECA AA must notify the appropriate RA prior to exercising these authorities.
- c. The delegatee must notify the OECA AA prior to exercising the authority in 1(b), and when exercising the authority in 1(a). The OECA AA may waive the requirement for notification in writing.


4. REDELEGATION AUTHORITY.

- a. The authorities in 1(a)-(b) may be redelegated to the associate director level and no further. These authorities may not be redelegated without formal amendment.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. Memorandum of Understanding between the Agency and the Department of Justice, June 1977, 42 Fed. Reg. 48942 (1977).
- b. EPCRA, Section 325.

Date: 4/11/2017


Cecil Rodriguez
Acting Regional Administrator